

CALIFORNIA COASTAL COMMISSION

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Hearing Date: March 16, 2005
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-04-373

APPLICANT: Chris Landon **AGENT:** Susan McCabe, McCabe & Company

PROJECT LOCATION: 728 Marco Place, Venice, City of Los Angeles, Los Angeles County

PROJECT DESCRIPTION: Demolition of a one-story, 762 square foot single-family residence, and construction of a 28-foot high, two-story, 2,715 square foot single-family residence with an attached two-car garage on a 3,600 square foot lot.

Lot Area	3,600 square feet
Building Coverage	1,593 square feet
Pavement Coverage	505 square feet
Landscape Coverage	1,502 square feet
Parking Spaces	3
Zoning	R2-1
Plan Designation	Multi-Family Residential - Low Medium I
Ht above final grade	28 feet (plus 35-foot high roof access)

LOCAL APPROVAL: City of Los Angeles Specific Plan Project Permit, Case No. DIR-2004-3161 (SPP)(MEL)(Appeal), 10/15/2004.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the subject of a dispute that has divided the neighborhood where the proposed project is located. The applicant proposes to build a new two-story, 28-foot high single-family residence in Milwood, one of Venice's established inland residential neighborhoods. The 3,600 square foot site fronts Marco Place, one of the three historic Venice walk streets that are located one-mile inland of Venice Beach (Exhibit #1, p.2). Staff is recommending **APPROVAL** with conditions. **See the bottom of Page Two for the motion.** The applicant agrees with the staff recommendation.

Several persons are objecting to the proposed project on the grounds that the proposed house would be a detriment to the character of the neighborhood. Some opponents of the proposed project object to the modern architectural style of the proposed house, while others assert that its mass and scale does not complement the existing structures along the walk street as required by the City of Los Angeles Venice Specific Plan and the certified Venice LUP (i.e., the highest point of the roof is too close to the walk street and the second floor should be set back farther), and that it is not visually compatible with the character of the surrounding neighborhood (Coastal Act Section 30251). The opponents are petitioning the Commission to use its discretion to determine that the proposed project does not conform to the qualitative policy language set forth by the certified Venice LUP and the Coastal Act in regards to community character.

The dispute concerns how to review development on walks streets; should the Commission use a standards-based approach using quantitative building standards (i.e. 28-foot height limit and specific setback requirements), or use a case-by-case approach where qualitative and subjective analysis (i.e. architectural style review) is used to decide whether each project conforms with the established

character of the community? The Milwood area of Venice, where the proposed project is located, is a neighborhood where many of the lots with old homes built in the early twentieth century are being recycled and developed with new single-family residences. Generally, the newer homes being built are taller and more massive than the older structures in the neighborhood.

If the Commission determines that the character of the Milwood neighborhood is defined largely by architectural style, and the proposed project is determined to be inconsistent with such character, then the Commission should deny the permit application. Staff is recommending that the Commission avoid making a subjective judgment about the architectural style because of the wide variety of architectural styles found in Venice (e.g. craftsman, modern, plain stucco, etc.) and the wide variation in personal opinions about style. It is not practical or feasible for the Commission and its staff to review every residential project in Venice in order to impose a subjective standard for style. Of course, the neighborhood may petition the local government to establish an architectural review board for Venice. The fact is, however, that there exists no single architectural style in Venice that dominates, as diversity rules.

Finally, the proposed project has a similar mass and scale of many other homes in the Milwood neighborhood and complies with all of the applicable quantitative building requirements. The proposed project, which is located one mile inland of the beach, complies with the 28-foot height limit for development along historic walk streets, the density limit, setback requirements and all other specific quantitative standards set forth by the Venice Specific Plan, the certified Venice Land Use Plan (LUP) and the City's zoning code. The proposed house is set back 27.5 feet from the public walkway, and is in line with the existing homes on the block (Exhibit #4). The proposed project has received approval from the City of Los Angeles West Los Angeles Area Planning Commission and is consistent with the R2-1 zoning designation and the surrounding residential land uses. Adequate on-site parking is provided (3 spaces). The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site and the provision of an on-site retention basin/infiltration pit. Staff recommends that the Commission determine that the proposed project will have no negative effects on visual resources or coastal access, is consistent with community character, the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan (LUP) for Venice, 6/14/01.
2. City of Los Angeles Venice Coastal Zone Specific Plan (Ordinance No. 175,693).
3. Coastal Development Permit 5-92-181-W (Sant – 831 Marco Place).
4. Coastal Development Permit 5-92-245 (Davos – 746 Marco Place).
5. Coastal Development Permit 5-00-005 (Podleski – 839 Superba Ave.).
6. Coastal Development Permit 5-01-360 (Podleski – 2338 McKinley Ave.).
7. Coastal Development Permit Application 5-05-069 (Duarte - 716 Marco Place).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-04-373 per the staff recommendation as set forth below."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. **Compliance with the Venice Walk Street Setback, Design and Parking Standards**

Coastal Development Permit 5-04-373 approves the demolition of a one-story single-family residence, and construction of a two-story, 28-foot high single-family residence. All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. As proposed by the applicant, the approved development shall be constructed in conformance with the following **Venice Walk Street Setback, Design and Parking Requirements**:

- (a) **Building Setback.** In order to maintain an open and visible access corridor and to enhance visual quality, all balconies and other portions of the structure (except for ground level decks and porches that do not exceed 18 inches in height above the elevation of the walk street sidewalk) shall be set back at least fifteen feet (15') from the Marco Place right-of-way, **as shown on Exhibit #3 of the 3/2/05 staff report.**
- (b) **Building Design.** In order to enhance visual quality and community character, the side of the building facing the Marco Place walk street shall be designed and constructed with a

varied and articulated façade that provides visual interest to pedestrians (e.g. with porches, bays and/or balconies), with frequent windows and the primary ground floor entrance for the residence facing the walk street. **as shown on Exhibit #6 of the 3/2/05 staff report.**

- (c) Building Height. The maximum height of the single-family residence shall not exceed 28 feet above the centerline of the fronting right-of-way (Marco Place), except for one roof access structure (stairway enclosure), with a footprint not exceeding one hundred square feet, which shall not exceed 35 feet in height, **as shown on Exhibit #5 of the 3/2/05 staff report**. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 33 feet above the centerline of the fronting right-of-way.
- (d) Landscaping. In order to enhance visual quality and to preserve the water quality, the building setback area required by part (a) above shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants, **as shown on Exhibit #3 of the 2/24/05 staff report**.
- (e) Marco Place Right-of-Way. In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between the Marco Place public sidewalk and the private dwelling, the area situated between the Marco Place sidewalk and the permittee's property line (i.e., within the Marco Place right-of-way) shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants and enclosed within a 42-inch high decorative fence (e.g. split rail, picket or rustic). The permittee and the proposed development shall not interfere with public pedestrian access to and along the public sidewalk that runs down the center of the Marco Place right-of-way.
- (f) On-site Parking. A minimum of three (3) parking spaces shall be provided and maintained on the site: two spaces in the garage and one space next to the garage, **as shown on Exhibit #3 of the 3/2/05 staff report**.

Any proposed change or deviation from the approved plans, including change in the number of residential units, change to parking supply or change in use, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs.

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wind or rain erosion and dispersion.
- (b) Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

- (c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish the existing one-story, 762 square foot single-family residence on the site, and construct a two-story, 2,715 square foot single-family residence with an attached two-car garage (See Exhibits). The 3,600 square foot lot is situated one mile inland of the beach in the Milwood area of Venice (Exhibit #1). The height of the proposed two-story residence is 28 feet above the elevation of Marco Place, one of the historic Venice walk streets (Exhibit #5). On-site parking for the proposed residence would be provided within an attached two-car garage, with vehicular access provided from the rear alley (Exhibit #3). An additional parking space is proposed on the driveway apron located in the 15-foot rear yard setback, entirely on the applicants' property (i.e., not in the alley).

The proposed two-story structure's setback from the edge of the five-foot wide public sidewalk in the center of the walk street is 27.5 feet, consistent with the setbacks provided along this block of Marco Place (Exhibit #4). The setback from the public sidewalk is composed of a fifteen-foot deep front yard setback on the applicant's lot, and 12.5 feet of the thirty-foot wide landscaped Marco Place right-of-way (Exhibit #3). The applicant has agreed to maintain the setback area as a landscaped and permeable yard area as called for by the certified Venice LUP. The proposed project would also provide an on-site retention basin/infiltration pit in the front yard (Exhibit #3). The proposed side yard setbacks on the forty-foot wide lot are five feet (5') wide, providing a safe distance from the single-story homes on each neighboring lots.

B. Project Background

The proposed single-family residence has been reviewed and approved by the City of Los Angeles West Los Angeles Area Planning Commission. The first City approval, granted on July 8, 2004, was a Director of Planning determination for approval of the Project Permit pursuant to the requirements of the City's Specific Plan for Venice (Case No. DIR-2004-3161). The Director of Planning determined that the proposed single-family residence is compatible in character and scale with the surrounding neighborhood and in compliance with all requirements of the Venice Specific Plan. Andrea D'Amico appealed the Director's July 8, 2004 determination to the West Los Angeles Area Planning Commission. The opponents of the project assert that its mass and scale does not complement the existing structures along the walk street and that it is not compatible with the character of the surrounding neighborhood because the highest point of the roof is too close to the walk street (See Appendix B).

On September 1, 2004, the West Los Angeles Area Planning Commission held a public hearing for the appeal of the Project Permit and voted 2-1 to reject the appeal. A new hearing was required, however, because two votes was deemed to be insufficient to reject the appeal. On October 6, 2004, the Planning Commission held a new public hearing for the appeal and

voted 3-2 to reject the appeal and sustain the Director's approval of the Project Permit for the applicant's proposed single-family residence.

The applicant is now requesting Commission approval of the coastal development permit that is necessary to undertake the proposed development. The Commission has recognized in both prior permit and appeal decisions that the Milwood area of Venice, where the proposed project is located, is a unique coastal community. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Milwood neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the community and its historic walk streets.

On June 14, 2001, the Commission certified the City of Los Angeles Land Use Plan (LUP) for Venice. The certified Venice LUP maintains the City's and Coastal Commission's previous density limits and parking standards for the Milwood area of Venice. The certified LUP increased height limits for buildings with varied or stepped-back rooflines from 25 to thirty feet, except on walk streets, where the height limit was raised from 25 feet to 28 feet. The policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing character of each Venice neighborhood.

Certified Venice LUP Policies

The Commission adopted the following policy as part of the certified Venice LUP in order to regulate residential development on lots in the Milwood area of Venice that have been designated with the *Multi-Family Residential - Low Medium I* land use designation. The following policy language applies to the project site.

Venice Land Use Plan Policy I.A.6 states:

- **Policy I. A. 6. Multi-Family Residential - Low Medium I Density.** *Accommodate the development of duplexes and multi-family dwelling units in the areas designated as "Multiple Family Residential" and "Low Medium I" on the Venice Coastal Land Use Plan (Exhibits 9 through 12). Such development shall comply with the density and development standards set forth in this LUP.*

Southeast Venice and Milwood

Use: Two units per lot, duplexes and multi-family structures

Density: One unit per 2,500 square feet of lot area. Lots smaller than 5,000 square feet are limited to a maximum density of two units per lot.

Replacement Units/Bonus Density: Lots greater than 5,000 square feet can add extra density at the rate of one unit for each 2,000 square feet in excess of 5,000

square feet in lot area if the unit is a replacement affordable unit reserved for low and very low income persons. (See LUP Policies I.A.9 through I.A.16).

Yards: Yards shall be required in order to accommodate the need for fire safety, open space, permeable land area for on-site percolation of stormwater, and on-site recreation consistent with the existing scale and character of the neighborhood.

Height: Not to exceed 25 feet for buildings with flat roofs, or 30 feet for buildings with stepped back or varied rooflines. (See LUP Policy I.A.1 and LUP Height Exhibits 13-16). [28' along walk streets].

LUP Walk Street Design Standards

The certified Venice LUP also contains specific building design standards that have been designed and adopted in order to preserve the unique character of the Venice walk streets.

Policies II.C.7, II.C.10 and II.C.11 of the certified Venice LUP state:

- **Policy II. C. 7. Walk Streets.** *Designated walk streets shall be preserved and maintained at their present widths for public pedestrian access to the shoreline and other areas of interest and to preserve views along and from the public right-of-way. Vehicular access on walk streets shall be restricted to emergency vehicles. The minimum width of the pedestrian path shall be 10-12 feet in the North Venice and Peninsula areas and 4½ feet in the Milwood area. The remaining public right-of-way shall be limited to grade level uses including landscaping, patios, gardens and decks.*
- **Policy II. C. 10. Walk Streets -- Residential Development Standards.** *New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged. In case of duplexes and low density multiple-family buildings, entries shall be located in the exterior building facade for each residential unit, shall face walk streets, and be well-defined and separate.*
- **Policy II. C. 11. Encroachments into Walk Street Right-of-Way.** *Encroachments into City right-of-way shall be limited to grade level uses including gardens, patios, landscaping, ground level decks and fences. The gardens/patios in the right-of-way, between the fences and the buildings, shall be permitted to provide a transitional zone between the public path ways and private dwellings. To create a defensible space, the planting along the walk streets shall not impede the view of walkways by the residents and the view of the gardens by the pedestrian. Creative use and arrangement of permeable paving materials shall be encouraged. Any fence, wall or hedge erected in the public right-of-way shall not exceed 42 inches in height as measured from the existing grade of the public right-of-way. The use of*

decorative fence patterns such as split rail, picket and rustic is encouraged. New fences shall be located in line with existing fences on the same side of the street.

The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP provides specific guidance for the Commission's interpretation of the relevant Chapter 3 policies.

C. Community Character

As stated above, the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, rather than the policies of the certified LUP. The Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected, development be visually compatible with the character of surrounding areas, and that special neighborhoods be protected.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253(5) of the Coastal Act states, in part:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Several persons have written and voiced their opposition to the proposed project (See Appendix B). The opponents of the proposed project assert that the architecture, mass and scale of the proposed single-family residence do not complement the existing structures along the walk street as required by the Venice Specific Plan and the certified Venice LUP (i.e., the highest point of the roof is too close to the walk street), and that it is not compatible with the character of the surrounding neighborhood (Coastal Act Section 30251).

The operative LUP language, set forth by certified LUP Policy II.C.10, is:

"New residential development along walk streets shall enhance both public access and neighborhood character. Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians."

Building height and bulk can adversely affect the scenic and visual qualities of the Venice coastal area and the unique character of its historic walk streets. Architectural design and the provision, or lack thereof, of adequate open space and landscaping can also strongly influence community character and visual resources. The certified Venice LUP contains specific building limits and design standards that have been designed and adopted in order to preserve the unique character of the Venice walk streets and neighborhoods and to carry out the requirements of Sections 30251 and 30253 of the Coastal Act. [See Pages Six and Seven of this report for certified LUP Policies I.A.6, II.C.7, II.C.10 and II.C.11.]

Character of the Milwood Area of Venice

The project site abuts Marco Place, a thirty-foot wide City right-of-way designated as a walk street by the certified Venice LUP (Exhibit #3). A five-foot wide public sidewalk runs down the center of the walk street, providing pedestrian-only (i.e. no vehicles) access through three blocks of the Milwood neighborhood (Exhibit #1, p.2). Since Marco Place is located a mile inland of the beach, it does not provide direct pedestrian access to the shoreline. The Marco Place walk street is, nonetheless, a valuable public resource that is afforded special protection by the certified Venice LUP.

The walk streets in North Venice, Marina Peninsula and Milwood neighborhoods of Venice are among the most pleasant pedestrian amenities in Los Angeles and many of them provide excellent vertical access to the beach. The Venice walk streets are generally typical of a number of southern California beach communities that were originally developed with weekend beach cottages early in the twentieth century when streetcars served these communities. Walk streets generally have narrow, pedestrian friendly walkways down the middle of the right-of-way, with landscaped “front yards” that encroach up over the right-of-way up to the edge of the open public walkway in the middle of the right-of-way. The Marco Place walk street includes the typical landscaped “front yards” that encroach into the thirty-foot wide street right of way (Exhibit #4).

The Milwood area of Venice is comprised primarily of small one and two-story single-family residences and duplexes that were constructed on small lots many years ago. The houses range from ten to thirty feet in height, although the typical two-story home is about 25 feet high. Many of the older structures have been enlarged by additions over the years. The majority of the existing homes on Marco Place, where the proposed project is located, are small (less than 1,500 sq.ft.) one-story homes. There are, however, many two-story residences on the three-block long sections (700-900 Blocks) of the Marco Place, Amoroso Place and Nowita Place walk streets. Amoroso Place and Nowita Place are the other two walk streets in the Milwood area of Venice (Exhibit #1, p.2).

The opponents point out that twelve of the 26 homes on the 700 block of Marco Place are two-story structures, and almost all of the two-story homes have a second story that is set back from farther from the walk street than the ground level. The applicant has surveyed the neighborhood and provided photographs of eight two-story homes on Marco Place, seven two-story homes on Amoroso Place, and fourteen two-story homes along Nowita Place (700-900 Blocks). The two-story homes on the Marco Place walk street include a two-story, 25-foot high, 2,725 square foot single-family residence permitted by the Commission in 1992 at 831 Marco Place [See Appendix A: Coastal Development Permit Waiver 5-92-181 (Michael Sant)].

Therefore, a two-story home cannot be found out of character in the Milwood neighborhood simply because it is not a one-story home.

The Milwood area is a neighborhood in transition. Since 1991, the Commission has issued permits for 25 single family-residences and duplexes in the Milwood area (See Appendix A). Remodels and additions to the existing homes, however, are much more common than complete demolitions and construction of new single-family residences. It should be noted that existing single family-residences in Milwood could be enlarged to the maximum extent allowed by City zoning without any Commission review (City approval is required). Coastal Act Section 30610 and Section 13250, Title 14 of the California Code of Regulations exempt from *coastal development permit* requirements most improvements to existing single-family residences, including multi-level additions to homes located more than three hundred feet inland of the mean high tide line and beach. Because of this permit exemption provision of the law, an uncounted number of single-family residences in Venice have been substantially enlarged without coastal development permits. The City of Los Angeles Planning Dept. issues the coastal development permit exemptions for the portion of Venice located more than three hundred feet inland of the mean high tide line and beach. All of the Milwood area is located more than three hundred feet inland of the mean high tide line and beach (Exhibit #1).

Of course, it would be difficult to see any difference between the Milwood area homes that have been enlarged without a coastal development permit and the new homes built pursuant to a coastal development permit because the City imposes the same Venice Specific Plan building standards on remodels as it does on new homes. The quantitative and qualitative building standards for the Venice walk streets set forth in the City's Venice Specific Plan are identical to the policies set forth by the certified Venice LUP. The City intentionally adopted the LUP policies as a City ordinance (i.e. Venice Specific Plan) in its attempt to implement the LUP. Consequently, while the Commission does not review every residential project in Venice through the coastal development permit process, the City Planning Department does through its own specific plan process. In this case, the West Los Angeles Area Planning Commission held two public hearings for the appeals of the applicant's Project Permit and rejected the opponents' appeals both times (September 1, 2004 and October 6, 2004).

New single-family residences and multi-unit residences, however, must obtain a coastal development permit from either the City or the Commission. Appendix A lists the permit applications approved by the Commission since 1991 for new residential units in the Milwood area (See Appendix A). Almost all of the Commission-approved residences have been two-story homes, and all but two were approved with no controversy through the de minimus permit waiver provisions of Section 30624.7 of the Coastal Act. This indicates that there were very few neighborhood objections to the Commission's approval of the two-story structures. Again, a two-story home cannot be found out of character in the Milwood neighborhood simply because it is not a one-story home.

It is interesting that the City Planning Department on February 2, 2005 approved a new two-story, 28-foot high single-family residence for the property located three lots south of the proposed project at 716 Marco Place (City Case No. DIR2004-9986). To date, no one has objected to that project, which is designed with the craftsman style of architecture and with the second floor slightly set back from the ground level. The Commission will be acting on the coastal development permit application for that project in the near future (Coastal Development Permit Application 5-05-069). The applicant's agent for that project told staff that this project

was about the tenth home he has built in the Venice area, but the first one that required the submittal of the coastal development permit application. The other projects were major remodels and additions of existing homes, and were apparently exempted from coastal development permit requirements by the City Planning Department pursuant to Coastal Act Section 30610 and Section 13250, Title 14 of the California Code of Regulations.

Compliance with the Coastal Act and Venice LUP

The primary issue with the proposed project is whether the proposed project is compatible with the character of the surrounding (Milwood) neighborhood as required by Section 30251 of the Coastal Act. The opponents also argue that the architecture, mass and scale of the proposed structure would not complement those of existing structures in the neighborhood and would adversely affect public access and neighborhood character, in violation of Policy II.C.10 of the certified Venice LUP (See Page Seven).

The Commission has recognized in both prior permit and appeal decisions that the Milwood area of Venice, where the proposed project is located, is a unique coastal community. In 1980, the Commission adopted the Regional Interpretive Guidelines for Los Angeles County which included specific building standards for the various Venice neighborhoods, including the Milwood neighborhood. These building standards, which apply primarily to density, building height and parking, reflect conditions imposed in a series of permits heard prior to 1980. The Commission has consistently applied these density, height and parking standards to development in the Venice coastal zone in order to protect public access to the beach and to preserve the special character of the community and its historic walk streets. On June 14, 2001, the Commission certified the City of Los Angeles Land Use Plan (LUP) for Venice. The policies and building standards contained in the certified Venice LUP reflect the Commission's prior actions in the area, the Commission's 1980 Interpretive Guidelines, and the existing character of each Venice neighborhood.

The following chart show the Commission's building standards for the Milwood area that are listed in the Coastal Commission's Regional Interpretive Guidelines for Los Angeles County, adopted on October 14, 1980. The chart also shows the City's building standards that are codified in the Venice Specific Plan (not certified) and set forth as policies of the certified Venice LUP (2001).

Building Standards for a 3,600 Square Foot Lot in Milwood Area of Venice

	<u>1980 Guidelines</u>	<u>Venice Specific Plan</u>	<u>Certified Venice LUP</u>
SFD Height Limit	25 feet	25 feet w/ flat roof or 30 feet w/ varied roof 28 feet on walk streets	25 feet w/ flat roof or 30 feet w/ varied roof 28 feet on walk streets
Duplex Height Limit	30 feet	same as SFD	same as SFD
Density	2 units/lot	2 units/lot	2 units/lot
On-site Parking	2 spaces/unit	3 spaces/unit	3 spaces/unit
Yards	N/A	See Municipal Code	See Municipal Code

Floor Area Ratio

No F.A.R.

No F.A.R.

No F.A.R.

The proposed project conforms completely with the above-stated building standards. On October 6, 2004, the City Planning Commission found the proposed project in compliance with the standards of the Venice Specific Plan. The Commission finds that the proposed project complies with the density limit, City set back requirements, and the 28-foot height limit for development on a walk street as set forth by the certified Venice LUP. It has not been disputed that the proposed project complies with all of the applicable quantitative building requirements.

Several persons are objecting to the proposed project on the grounds that the proposed house would be a detriment to the character of the neighborhood. The opponents also argue that the architecture, mass and scale of the proposed structure would not complement those of existing structures in the neighborhood and would adversely affect public access and neighborhood character, in violation of Policy II.C.10 of the certified Venice LUP (See Page Seven). They assert that the proposed structure is not visually compatible with the character of the surrounding neighborhood (Coastal Act Section 30251). The opponents are petitioning the Commission to use its discretion to determine that the proposed project does not conform to the qualitative policy language set forth by the certified Venice LUP and the Coastal Act in regards to community character. A specific criticism is that the second floor and the highest point of the 28-foot high roof are too close to the walk street, and that the proposed project (and future proposals along the walk street) should be required to provide a greater second floor setback.

The dispute concerns how to review development on walks streets; should the Commission use a standards-based approach using quantitative building standards (i.e. 28-foot height limit and specific setback requirements), or use a case-by-case approach where qualitative and subjective analysis (i.e. architectural style review) is used to decide whether each project conforms with the established character of the community? If the Commission determines that the character of the Milwood neighborhood is defined largely by architectural style, and the proposed project is determined to be inconsistent with such character, then the Commission should deny the permit application. Staff, however, is recommending that the Commission avoid making a subjective judgment about the architectural style because of the wide variety of architectural styles found in Venice (e.g. craftsman, modern, plain stucco, etc.) and the wide variation in personal opinions about style. It is not practical or feasible for the Commission and its staff to review every residential project in Venice in order to impose a subjective standard for style. There exists no single architectural style that dominates Venice, California, and, in fact there is a wide diversity.

The Milwood area of Venice, where the proposed project is located, is a neighborhood where many of the lots with old homes built in the early twentieth century are being recycled and developed with new single-family residences. Generally, the newer homes being built are taller and more massive than the older structures in the neighborhood. The applicant's proposed two-story house is similar in mass, scale and architectural design to several homes in the neighborhood. Therefore, the Commission finds that the proposed project conforms with the requirements of Section 30251 of the Coastal Act because it is compatible with the character of the surrounding (Milwood) neighborhood and it will not adversely affect neighborhood character.

The character of a neighborhood in the coastal zone is typically defined by the predominate types of land uses, in this case single-family residences and duplexes, the size of the buildings, and the size of yards. The variety of architectural styles or lack thereof may also define the character of the neighborhood. Other defining neighborhood characteristics like demographics and crime rates are not relevant to the issue at hand: size and scale of the proposed structure. For example, a supermarket or a multi-unit apartment building that covers more than one lot would not be compatible with the character of the Milwood area of Venice where the proposed project is located. The proposed single-family residence, on the other hand, is the same type of land use that currently exists on the project site and the surrounding properties. But it is not the land use being challenged by the opponents of the project; it is its style, mass and scale.

Although the proposed two-story structure has an architectural style that is different from most of the existing homes on the street (it's modern in an old neighborhood with craftsman-style), its design and mass would not have a detrimental effect on community character. It's a new house on a street with where most of the houses are fifty or more years old. The proposed project's ground floor setbacks and yards are as large as the yards and ground floor setbacks of the other homes on the street. The proposed two-story, 28-foot high structure is not out of scale with the rest of the neighborhood and it will not adversely affect neighborhood character because the surrounding neighborhood, including this street, already accommodates several two-story structures of similar size (twenty to thirty feet in height). The style of the proposed two-story would not be a detriment to the neighborhood any more than the existing two-story homes on the street.

The opponents state that the massing of the proposed structure (i.e. second floor setback) would adversely affect public access and neighborhood character, in violation of Policy II.C.10 of the certified Venice LUP, because it would loom over pedestrians using the public walk street. This is simply not the case as both floors of the proposed house are set back at least 27.5 feet from the sidewalk in the middle of the walk street. The proposed front yard is the same size as the rest of the front yards on the block, as the proposed 27.5-foot setback puts the building in line with the other homes on the same side of the street (Exhibit #4). In fact, most of the building is set back even further than 27.5 as the opponents are demanding. Only the second floor balcony and the entryway (where the front door is located) extend up to the City-required front yard set back. The rest of the first and second floor are set back 29.5 feet from the sidewalk, and the portion of the second floor behind the balcony is set back 33.5 feet from the side walk (Exhibit #5). The proposed design of the front façade is exactly the kind of articulation called for by certified LUP Policy II.C.10, which states:

“Building materials, colors, massing and scale of new structures shall complement those of existing structures in the neighborhood. Building facades shall be varied and articulated to provide visual interest to pedestrians. Primary ground floor residential building entrances and frequent windows shall face the walk streets. Front porches, bays, and balconies shall be encouraged.”

The proposed project provides a varied and articulated building façade facing the walk street with the first and second floors recessed behind the second floor balcony and the portion of the building where the front door entrance is located (Exhibit #7). It has frequent windows, a porch and a balcony, all of which is set back a substantial distance (at least 27.5 feet) from the walk street. The applicant proposes to landscape the front yard setback area in an attractive

manner that will provide additional interest to the passing pedestrians. Rather than detracting from uniqueness of the walk street, the proposed front yard landscaping and articulated house design will complement the existing homes on the street (Exhibit #7). Therefore, the proposed project complies with the walk street policies (I.A.6, II.C.7, II.C.10 and II.C.11) set forth by the certified Venice LUP.

Staff is recommending approval of the proposed single-family residence because it conforms with Section 30251 of the Coastal Act and the policies of the certified Venice LUP. The proposed project also complies with the 28-foot height limit, the density limit, all setback requirements, on-site parking requirements, and all other specific requirements set forth by the Venice Specific Plan, the certified Venice LUP, and the Chapter 3 policies of the Coastal Act.

In order to ensure that the proposed project is constructed as proposed, the permit is conditioned to impose the walk street design standards set forth by the certified Venice LUP to which the proposed project plans already conform (See Special Condition One). As conditioned, the proposed project is consistent with community character, will have no negative effects on visual resources or coastal access, and is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals.

D. Parking

The Commission has consistently found that a direct relationship exists between residential density, the provision of adequate parking, and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

Many of the older developments in Venice do not provide adequate on-site parking. As a result, there is a parking shortage in the area and public access has been negatively impacted. The walk streets and alleys provide no public parking, and residents of the area and their guests often occupy the small amount of parking area that may be available for the general public on the surrounding streets. To mitigate this problem, the Commission has consistently conditioned new single-family residences in the Milwood area of Venice to provide a minimum of three on-site parking spaces.

The proposed project includes an attached two-car garage and a 26'x 15' driveway apron that provides a third on-site parking space entirely on the applicant's property (Exhibit #3). The 26'x 15' driveway apron is large enough to accommodate virtually any sized car, and is substantially larger than the 9'x26' size of the guest parking space typically required by the Commission for homes in the Venice Canals neighborhood. Vehicular access to the on-site parking supply is provided from the rear alley. Therefore, the proposed project provides an adequate on-site parking supply and conforms to the parking standards for the Milwood area of Venice. The Commission finds that, only as conditioned to ensure the continued provision of adequate on-site parking, is the proposed project consistent with the public access policies of the Coastal Act.

E. Yard Areas and Water Quality

The Commission does not usually regulate the size of yard areas in Venice except in the following cases: 1) to provide pervious yard areas to absorb and filter rainwater and site drainage before leaves the site and enters storm drains, 2), to limit the size and scale of structures near public accessways or sensitive coastal resources, and 3) to provide an area for parking, usually in a rear yard area next to an alley. The Commission typically does not regulate side yard setback requirements. In Venice, the Commission usually relies on the zoning regulations of local governments to regulate front, back and side yard setback requirements.

In this case, the applicant is proposing five-foot wide side yards, a fifteen-foot deep front yard area, in addition to the yard area provided by the fronting City right-of-way (Exhibit #3). The City-issued approval indicates that the proposed setbacks are consistent with City requirements. The applicant has agreed to maintain the front yard setback area as a landscaped and permeable yard area as called for by the certified Venice LUP.

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include a permeable front yard area and an on-site retention basin/infiltration pit in the front yard (Exhibit #3). Special Condition Two requires the appropriate management of equipment and construction materials to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Attachments: Exhibit Nos.1-7

Appendix A: Commission Approvals in Milwood Area of Venice, 1991-2005

Appendix B: Applicant's & Opponents' Correspondence

APPENDIX A

Commission Approvals - Milwood Area of Venice* (1991 – 2005)

<u>Application No.</u>	<u>Resulting Density</u>	<u>Building Height</u>
5-05-030-W (617 Milwood Ave.)	Duplex-to-SFD	20 feet (existing)
5-04-443-W (2127 Linden Ave.)	Duplex	30 feet
5-04-374-W (636 Milwood Ave.)	Duplex	25 feet
5-04-367-W (1628 Electric Ave.)	Condo. Conv.	25 feet (existing)
5-04-337-W (624 California Ave.)	Duplex	29 feet
5-04-177-W (630 Milwood Ave.)	3,096 sq. ft. SFD	25 feet
5-04-020-W (1634 Electric Ave.)	Duplex	28 feet
5-03-467-W (820-824 Nowita Pl.)	SFD add'n/Lot tie	25 feet (existing)
5-03-365-W (725 Amorosa Pl.)	2,772 sq. ft. SFD	28 feet
5-03-131-W (1628 Electric Ave.)	Duplex	25 feet
5-03-095-W (932 Amorosa Pl.)	Duplex	25 feet
5-03-014-W (820 Nowita Pl.)	Demo - Vacant	0 feet
5-02-419-W (813 Amoroso Pl.)	2,307 sq. ft. SFD	28 feet
5-02-262-W (915 Palms Blvd.)	Duplex	30 feet
5-01-412-W (714 Nowita Pl.)	2,195 sq. ft. SFD	28 feet

June 14, 2001: Commission certifies Venice LUP

5-00-005 <u>RC</u> (839 Superba Ave.)	2,568 sq. ft. SFD	25 feet
5-99-412-W (910 Palms Blvd.)	Duplex	25 feet
5-99-321-W (835 Superba Ave.)	1,876 sq. ft. SFD	23 feet

5-98-094-W (818 California Ave.)	Duplex	30 feet
5-95-284-W (1630 Crescent Pl.)	Accessory building	25 feet
5-94-104-W (816 California Ave.)	Duplex	17 feet
5-93-212-W (637 Milwood Ave.)	Duplex	25 feet
5-93-083-W (917 Nowita Pl.)	3,140 sq. ft. SFD	28 feet
5-92-245 <u>Admin.</u> (746 Marco Pl.)	1,236 sq. ft. SFD	one-story
5-92-279-W (1641 Crescent Pl.)	Duplex	23 feet
5-92-228-W (702 California Ave.)	Duplex	one-story
5-92-181-W (831 Marco Pl.)	2,725 sq. ft. SFD	25 feet
5-91-389-W (720 Nowita Pl.)	3,600 sq. ft. SFD	25 feet

* See Exhibit #1, Page 2 for the LUP map that defines the boundaries of the Milwood area of Venice.